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UNCLAS SECTION 01 OF 02 PORT AU PRINCE 000943

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SUBJECT: CONSTITUTIONAL REFORM LOSING STEAM

REF: PORT AU PRINCE 558

¶1. Summary: The constitutional reform initiative launched by the Preval government in early March (reftel) has sputtered, and the government has not followed through on recommendations to create a reform committee. The Haitian public appears to oppose an extra-constitutional amendment process and has formed no clear consensus on specific changes. Ongoing discussions, led these days by academia and civil society, focus on amending the constitution legally, a process that would take until at least 2011. Haitian committees abroad continue to advocate for dual nationality. Without any further support for rapid action, President Preval has turned to other priorities. End summary.

¶2. President Preval held working group consultative sessions prior to the constitution's 20th anniversary on March 29. However, the day passed without a word from the GoH on forming a commission or offering a vision, despite the public's expectations. In the vacuum left by the GoH, commentators and constitutional experts publicly debated constitutional changes, one notably decrying the Haitian government's history of not respecting or implementing the constitution. The only official statement was Prime Minister Jacques Edouard Alexis' address one month later, on April 28, to a Florida International University forum in Miami. PM Alexis, who had not participated in GoH-led discussions on constitutional reform in Haiti, said ''the question is not whether to change the constitution, but the best way to go about changing it.''

No Extra-Constitutional Reform

¶3. Presidential advisor on constitutional reform Claude Moise publicly and privately acknowledged that the consultations process revealed that Haitians mistrusted government-initiated discussions on an extra-constitutional reform process. According to a local poll funded by the International Republican Institute, 87 percent of Haitians support the executive in its efforts to amend the constitution; however, most do not support an extra-constitutional amendment process, i.e., by national referenda or undue executive influence. Though the government has not addressed the issue since the initial negative feedback on extra-constitutional amendments, the civil society has continued to hold discussions. One organization that discusses domestic events bimonthly (the Thursday Discussion Group) met on May 10 and discussed the

illegality of amending the constitution by extraordinary means, according to Secretary General Arnold Antotin. Rosny Desroches, director of the Civil Society Initiative, said that his discussions have had the same theme. Both said that certain issues merit reform, such as the elections calendar, national security force, and dual nationality. In Emboffs meetings, Haitians have proposed a variety of amendments. With the exception of adding reference to Haiti's newly-created tenth department (Nippes), however, there is no clear consensus on the specifics.

Diaspora Discusses Dual Nationality

¶4. Prime Minister Jacques Edouard Alexis told his audience in Florida that the constitutional ban on dual nationality is an "injustice," in light of the financial support Haitians receive from their relatives abroad. A former Haitian consul general led another discussion on constitutional reform and dual nationality in Miami in late April. Diaspora committees and many within Haiti (some whom clandestinely carry two passports) appear to form a powerful lobby in favor of dual nationality; however, many parliamentarians, presumably fearing competition for their elected posts, have expressed opposition to such an amendment.

Amendment Process

¶5. The amendment process would begin with a 2/3 ratification in both the senate and the chamber during the last regular session. (Note: The last regular session of the 48th legislature occurs at the end of the second bi-annual session of the deputies' four year terms. The constitutional

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calendar is off due to delayed elections in 2005/2006, but in real time, the last regular session of the 48th legislature will occur on the second Monday in May, 2010. The 49th legislature begins with the inauguration of a new chamber, which should meet for the first time in January, 2011. End note.) At the first session of the following legislative period, the two houses would meet as a national assembly to decide on the proposed amendment. If the national assembly ratifies the changes, the amendment enters into effect only after installation of the next elected president (2011 according to the February, 2006 election date of President Preval). The constitution also states that referenda to amend the Constitution are strictly forbidden.

¶6. Comment: Despite the many violations against it over its 20-year history, most Haitians appear to see the constitution as the most tangible symbol of their democracy in letter and spirit and adamantly oppose extra-constitutional reform procedures. Many do apparently support amending the constitution but no consensus on amendments has emerged. For the moment, without the necessary leadership and vision from the GoH and especially President Preval himself, post sees no movement forward for constitutional reform in the near future.

SANDERSON